

# Morgan Lewis

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October 28, 2024

Magistrate Judge Victoria Reznik  
The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, New York 10601-4150

Re: *The Wave Studio, LLC v. General Hotel Management Ltd. et al.*, Case No. 7:13-cv-09239 and Related Cases

Dear Magistrate Judge Reznik:

We write pursuant to the Court's October 21, 2024, Order (Dkt. 409) to state whether our clients, identified below my signature, will participate in the preliminary motion practice on the three threshold issues: personal jurisdiction, statute of limitations and extraterritoriality.

We anticipate moving on behalf of our clients Booking Holdings Inc., Agoda Company Pte Ltd., AGIP LLC, Booking.com BV, Booking.com (USA) Inc., Rocket Travel, Inc., Momondo A/S, Priceline.com, LLC, Hotels Combined LLC and Southwest Airlines Co. on the statute of limitations defense. We anticipate moving on behalf of our clients Agoda Company Pte Ltd. and Momondo A/S on the extraterritoriality defense.<sup>1</sup> Clients of ours that are *not* listed here with respect to the statute of limitations defense and/or extraterritoriality defense will not be filing a Rule 12 motion on that issue. None of our clients intends to file a Rule 12 motion on the issue of personal jurisdiction.

If there is a quorum of defendants that elect to move on these issues such that an Omnibus Motion is warranted, we anticipate joining the Omnibus Motion and would serve two supplemental memoranda of law: one supporting the statute of limitations defense on behalf of Booking Holdings Inc., Agoda Company Pte Ltd., AGIP LLC, Booking.com BV, Booking.com (USA) Inc., Rocket Travel, Inc., Momondo A/S, Priceline.com, LLC, Hotels Combined LLC and Southwest Airlines Co.; and one supporting the extraterritoriality defense on behalf of Agoda Company Pte Ltd. and Momondo A/S.

If there is not a quorum of defendants moving on similar issues, we seek leave of Court to submit a motion on behalf of our clients only at the standard 25-pages pursuant to our prior letter request (Dkt. 407).

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<sup>1</sup> Certain of these defendants are wrongfully named in these cases as they do not operate consumer facing websites and did not engage in the activities alleged in the Master Complaint. By joining in these motions, they are not waiving their right to challenge the claims against them on that separate and independent basis (or any other defenses), nor admitting that they engaged in the alleged actions at any time.

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We appreciate Your Honor's ongoing assistance in these cases.

Sincerely,

/s/ Carla B. Oakley

Carla B. Oakley

*Counsel for: Booking Holdings Inc.; Agoda Company Pte Ltd.; AGIP LLC, Booking.com BV; Booking.com (USA) Inc.; Rocket Travel, Inc. and Momondo A/S; Hotels Combined Pty Ltd; Priceline.com LLC; Getaroom.com; Kayak Software Corp. d/b/a Kayak.com; and Southwest Airlines Co. Hotels Combined Pty Ltd. has not been named as a party and has not been served; Plaintiff has only named Hotels Combined LLC, which is no longer an active company.*

*Getaroom.com and Kayak.com are jointly represented by Clausen Miller, P.C.*